

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PHILIP ROBERT REYNOLDS and JOHN
BRIGHAM LAWSON,

Plaintiffs

v.

WAL-MART TRANSPORTATION, LLC,

Defendant

Case No.: 2:23-cv-02020-APG-BNW

**Order (1) Deeming Order to Show Cause
Satisfied and (2) Denying Motion to
Remand**

Defendant Wal-Mart Transportation, LLC removed this action from state court based on diversity jurisdiction. ECF No. 1. In doing so, Wal-Mart did not identify the citizenship of each of its members, so I ordered Wal-Mart to show cause why this case should not be remanded for lack of subject matter jurisdiction. ECF No. 14. Wal-Mart did not specifically respond to my order to show cause, but it filed a corrected certificate of interested parties in which it identified its citizenship showing that complete diversity exists between the plaintiffs and Wal-Mart. ECF No. 17.

Separately, the plaintiffs move to remand, arguing that Wal-Mart has not established that complete diversity exists because it has not identified the defendant Doe driver who allegedly caused the car accident that injured the plaintiffs, who might be a Nevada citizen. ECF Nos. 5; 8. Wal-Mart responds that the driver was not a party to the case at the time of removal, so his citizenship is irrelevant to whether removal was proper. Wal-Mart also identifies the driver and states that he is a California resident, so complete diversity exists because the plaintiffs are Nevada citizens.

1 The only parties to this case at the time of removal were the plaintiffs, who are Nevada
2 citizens, and Wal-Mart, which is a citizen of Delaware and Arkansas. *See* ECF Nos. 15; 17.
3 Under 28 U.S.C. § 1441(b), I disregard the doe driver's citizenship in determining whether
4 removal was proper based on diversity jurisdiction. Moreover, Wal-Mart has now identified the
5 driver and states that he is a California citizen. The plaintiffs have not rebutted that contention.

6 I THEREFORE ORDER that the order to show cause (ECF No. 14) is satisfied.

7 I FURTHER ORDER that the plaintiffs' motion to remand (ECF Nos. 5, 8) is DENIED.

8 DATED this 17th day of January, 2024.

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11 ANDREW P. GORDON
12 UNITED STATES DISTRICT JUDGE
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